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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,969	05/30/2001	Fiona Walsh	AA-018	9490
25917	7590	09/22/2004	EXAMINER	
LANGLOTZ PATENT WORKS, INC.			DINH, KHANH Q	
PO BOX 759			ART UNIT	PAPER NUMBER
GENOA, NV 89411			2151	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,969

Applicant(s)

WALSH, FIONA

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Objections

2. Claim 6, 8, 12-14, 16-18 and 20 are objected to because of the following informalities:

* There seems to be a missing phrase "The method of claim" at the beginning of the claim. For examination purpose, Examiner assumes adding the phrase "The method of claim" in claim 6. Therefore, claim 6 is a dependent of claim 5.

* Claims 8 and 12 recite the limitation "the publisher " (in page 14 line 12 for claim 8, in page 14 line 22 for claim 12). There is insufficient antecedent basis for this limitation in the claims. For examination purpose, Examiner assumes "the publisher" to be "*the Internet publisher*" throughout the claims.

* Claims 13, 14, 16, 17, 18 and 20 recite the limitation "the publisher " (in page 15 line 7 for claim 13, in page 15 line 20 for claim 14, in page 16 line 1 for claim 16, in page 16 line 8 for claim 17, in page 16 line 19 for claim 18 and in page 17 line 1 for claim 20). Taking claim 13 for example, Applicant is confusing when sometimes claiming "*the web publisher*" and "**the publisher**" in the next time. There is insufficient antecedent basis for this limitation in the claims. For examination purpose, Examiner assumes "**the publisher**" to be "*the web publisher*" throughout the claims.

Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabber et al. (hereafter Gabber), U.S. Pat. No.5,961,593.

As to claim 1, Gabber discloses a method of commercial Internet-based communication with a user, comprising:

a first entity (user information) receiving from the user (105a fig.1) a user communication address [user information including email addresses (105a fig.1) to browse the server site (110g fig.1), see fig.1, col.5 lines 6-27 and col.6 lines 59-67].

the first entity transmitting a unique identifier (user identifier) associated with the user to a second entity (a dossier based on user accessed sites) (using server site to issue substitute identifiers when user browse anonymously, see col.5 line 58 to col.6 line 17); the first entity maintaining the user communication address in secrecy (anonymous browsing) from the second entity (see col.6 lines 18-37) and the second entity (dossier) (creating dossier containing user accessed sites) accessing a database (a conventional database) (using a conventional database in the central proxy system

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110a fig.1, see col.7 lines 25-38) containing past Internet activity information associated with a multitude of Internet users [users must send user specific information to the Central Proxy System when communicating between user site(s) and server site(s), see col.6 lines 38-67].

determining a past Internet activity associated with the unique identifier (identifying information sent by users when browse server sites, see col.7 lines 1-18); based on the past activity of the user, the second entity communicating to the first entity whether a direct communication to the user is warranted (in response to "basic authentication request" from servers, identifying users on the World Wide Web, see col.7 lines 19-38) and if direct communication is warranted (authenticated), the first entity sending a direct communication to the user communication address (producing substitute identifiers to users when users browse anonymously the server sites, see col.7 line 39 to col.8 line 34).

As to claim 2, Gabber discloses the method of claim 1 wherein the user communication address is an email address (user information including email addresses, see col.6 lines 38-67).

As to claim 3, Gabber discloses the method of claim 1 including the first entity establishing the unique identifier (an user identifier) and associating the identifier with a unique device identifier (substitute/alias identifier) assigned to the user (issuing a substitute/alias identifier when user browses another server site) by the second entity

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(see col.6 lines 6-67).

As to claim 4, Gabber discloses the method of claim 3 wherein transmitting the unique identifier includes transmitting the device identifier (identification) (prompting the user of site to enter user definable character strings including identification and a secrete data, see col.8 lines 3-47).

As to claim 5, Gabber discloses the method of claim 1 including the first entity transmitting the unique identifier (a substitute identifier or a alias) for a plurality of users, and the second entity (dossier) based on the past activity of the users (learning the users' habits, creating a user profile and a dossier based of set of web sites accessed by users, see col.7 lines 19-54 and col.8 line 48 to col.9 line 42), identifying a subset of the users to receive a selected treatment (providing personalized services to selected users, see col.9 lines 49-64).

As to claim 6, Gabber discloses the method in claim 5 including the second entity (dossier) transmitting to the first entity a report listing the unique identifiers (using identification data and secrete data associated with users for creating substitute identifiers) associated with the users to receive the selected treatment (see col.8 lines 17-62 and col.9 line 50 to col.10 line 29).

As to claim 7, Gabber discloses the method of claim 1 wherein the database containing

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past Internet activity information associated with a multitude of Internet users is maintained to exclude user communication addresses (using the user's secret for allowing users browsing web sites anonymously, see fig.3, col.8 line 35 to col.9 line 30 and col.12 lines 19-56).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber and in view of Smith et al. (hereafter Smith), U.S. Pat. No.5,790,790.

As to claim 8, Gabber discloses a method of facilitating commercial Internet-based communication with a plurality of users (users 105g fig.1), comprising:

receiving from a server (Central Proxy Server System 110a fig.1 for managing Internet communications between server sites and user sites) a communication including a plurality of unique user identifiers (users' identifiers), each associated with one of the users (see fig.1, col.5 lines 6-56).

accessing a database (a conventional database) (using a conventional database in the central proxy system 110a fig.1, see col.7 lines 25-38) containing a record of past Internet activity information for each of the users [users must send user specific

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information to the Central Proxy System when communicating between user site(s) and server site(s), see col.6 lines 38-67].

retrieving the associated record (user identification) for each user; for each user, based on the record (identifying user's habits and creating a user's profile based on the set of the set of sites accessed by user), selecting a communication strategy (issuing a substitute identifier to the user for future communications, see col.8 lines 12-62).

transmitting a report (sending past user accessed sites) user to the server (Central Proxy Server System 110a fig.1) identifying, for at least a plurality of the users (users 105a fig.1), the unique user identifier (user identifier) and the selected communication strategy (anonymized and personalized browsing communications between server sites and user sites, see col.9 line 42 to col.10 line 40).

Gabber does not specifically disclose the server is an Internet publisher. However, Smith in the same electronic content delivery on the World Wide Web discloses an Internet publisher (Web Publisher 64 fig.5 for control web publishing on the Internet) (see fig.5, Smith's col.4 line 63 to col.5 line 36). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Smith's Web Publisher in the computer system of Gabber to process a web publishing on the web because it would have enabled users to listen to creation events, to check items attributes specified a Web publishing and to read the needed attributes to distribute documents on the World Wide Web (see Smith's col.5 lines 12-49).

As to claim 9, Gabber discloses the method of claim 8 wherein the selected

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communication strategy includes a proposed email message (user information including email addresses, see col.6 lines 38-67).

As to claim 10, Gabber discloses the method of claim 8 wherein receiving a communication includes receiving a unique device identifier (substitute identifier) associated with the unique identifier (user identifier), and associating the identifier with a unique device identifier previously assigned to the user by the second entity (issuing a substitute/alias identifier when user browses another server site, see col.6 lines 6-67).

As to claim 11, Gabber discloses the method of claim 8 wherein the database containing past Internet activity information associated with a multitude of Internet users is maintained to exclude user communication addresses (using the user's secret for allowing users browsing web sites anonymously, see fig.3, col.8 line 35 to col.9 line 30 and col.12 lines 19-56).

As to claim 12, Gabber discloses the method of claim 8 wherein the server (proxy system 110a fig.2) collects and secretly maintains user address information (maintaining user information and user's secret information using substitute identifiers when user browses the Internet), and addresses a communication to the user based on the user address information (mapping user information to their substitutes), and establishes the content of a message to the user based on the selected communication strategy (providing user's anonymous web browsing according to user information, see

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fig.2, col.7 line 25 to col.8 line 63).

Gabber does not specifically disclose the server is an Internet publisher. However, Smith in the same electronic content delivery on the World Wide Web discloses an Internet publisher (Web Publisher 64 fig.5 for control web publishing on the Internet) (see fig.5, Smith's col.4 line 63 to col.5 line 36). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Smith's Web Publisher in the computer system of Gabber to process a web publishing on the web because it would have enabled users to listen to creation events, to check items attributes specified a Web publishing and to read the needed attributes to distribute documents on the World Wide Web (see Smith's col.5 lines 12-49).

As to claim 13, Gabber discloses a method of generating email messages based on past web browsing activity by users (users 105a fig.1), comprising:

a server (Central Proxy Server System 110a fig.1 for managing Internet communications between server sites and user sites) collecting a user communication address (user information including email address) (see fig.1, col.5 lines 6-56) and a device cookie (cookies stored in web browsers) from a user visiting a web site of the server (tracking users' habits when they visit Web sites, see col.14 lines 14 lines 26-56).

The server (Central Proxy Server System) generating a unique anonymous identifier (substitute identifier) (generating a substitute identifier for user when user browses server sites) for the user and the server (Central Proxy Server System) storing

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the user communication address in conjunction with the identifier (user information associated with user, see col.5 line 57 to col.6 line 37).

the server (Central Proxy Server System) transmitting the identifier and the device cookie to a second entity (dossier) that maintains a database (a conventional database) (using a conventional database in the central proxy system 110a fig.1, see col.7 lines 25-38) of past web browsing activity associated with the cookie, the database contents being maintained in secrecy from the server [users must send user specific information to the Central Proxy System when communicating between user site(s) and server site(s), see col.6 lines 38-67].

the server (Central Proxy Server System) retaining the user communication address in secrecy from the second entity (dossier); the second entity (dossier) analyzing the past web browsing activity associated with the user's cookie (creating a dossier based on user's habits and a set of sites accesses by user) based on the past web browsing activity of the user, the second entity communicating to the server (Central Proxy Server System) the unique anonymous identifier and an associated proposed communication strategy (providing anonymous browsing to user according to dossier, see col.7 lines 19-54 and col.8 lines 17-62).

based on the unique anonymous identifier (substitute identifier), the server (Central Proxy Server System) looking up the user communication address (user's email address), and the server (Central Proxy Server System) sending a message (using a substitute constructing function) having content based on the proposed communication strategy to the user communication address (user email address) (see

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col.9 line 50 to col.10 line 29).

Gabber does not specifically disclose the server is an Internet publisher. However, Smith in the same electronic content delivery on the World Wide Web discloses an Internet publisher (Web Publisher 64 fig.5 for control web publishing on the Internet) (see fig.5, Smith's col.4 line 63 to col.5 line 36). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Smith's Web Publisher in the computer system of Gabber to process a web publishing on the web because it would have enabled users to listen to creation events, to check items attributes specified a Web publishing and to read the needed attributes to distribute documents on the World Wide Web (see Smith's col.5 lines 12-49).

As to claim 14, Gabber discloses the method of claim 13 including the server (Central Proxy Server System) generating message content for the user based on the proposed communication strategy (transmitting he substitute identifiers to the server sites based on user information, see col.10 lines 23-65).

Gabber does not specifically disclose the server is an Internet publisher. However, Smith in the same electronic content delivery on the World Wide Web discloses an Internet publisher (Web Publisher 64 fig.5 for control web publishing on the Internet) (see fig.5, Smith's col.4 line 63 to col.5 line 36). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Smith's Web Publisher in the computer system of Gabber to process a web publishing on the web because it would have enabled users to listen to creation events, to check items

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attributes specified a Web publishing and to read the needed attributes to distribute documents on the World Wide Web (see Smith's col.5 lines 12-49).

As to claim 15, Gabber discloses the method of claim 13 wherein the message content includes email message for transmission to the user (user information including email addresses, see col.6 lines 38-67). It is inherent that the email message containing a text message.

As to claim 16, Gabber discloses the method of claim 13 wherein the server (Central Proxy Server System) storing the user communication address (user email address) includes indexing the address (each of e-mailboxes has a key being a function of the data and an index number) in a database based on the unique anonymous identifier (substitute identifier), and looking up the user communication address includes locating the unique anonymous identifier in the database (convention database in the Central Proxy Server System) (see col.1 lines 6-36 and col.12 lines 19-56).

Gabber does not specifically disclose the server is an Internet publisher. However, Smith in the same electronic content delivery on the World Wide Web discloses an Internet publisher (Web Publisher 64 fig.5 for control web publishing on the Internet) (see fig.5, Smith's col.4 line 63 to col.5 line 36). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Smith's Web Publisher in the computer system of Gabber to process a web publishing on the web because it would have enabled users to listen to creation events, to check items

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attributes specified a Web publishing and to read the needed attributes to distribute documents on the World Wide Web (see Smith's col.5 lines 12-49).

As to claim 17, Gabber discloses a method of generating email messages based on past web browsing activity by users (users 105a fig.1), comprising:

a server (Central Proxy Server System 110a fig.1 for managing Internet communications between server sites and user sites) collecting a user communication address (user information including email address) (see fig.1, col.5 lines 6-56) and a device cookie (cookies stored in web browsers) from a user visiting a web site of the server (Central Proxy Server System) and the server (Central Proxy Server System) storing the user communication address in conjunction with the cookie (tracking users' habits when they visit Web sites, see col.14 lines 14 lines 26-56).

the server (Central Proxy Server System) transmitting the cookie to a second entity (dossier) that maintains a database (a conventional database) (using a conventional database in the central proxy system 110a fig.1, see col.7 lines 25-38) of past web browsing activity associated with the cookie, the database contents being maintained in secrecy (kept information in secret) from the server (creating a dossier based on user's habits and a set of sites accesses by user, see col.7 lines 19-54 and col.8 lines 17-62).

the server (Central Proxy Server System) retaining the user communication address in secrecy from the second entity (dossier); the second entity (dossier) analyzing the past web browsing activity associated with the user's cookie and based on

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the past web browsing activity of the user (creating a dossier based on user's habits and a set of sites accesses by user), the second entity (dossier) communicating to the publisher the cookie and an associated proposed communication strategy; based on the cookie, the server (Central Proxy Server System) looking up the user communication address (looking in user's email address and providing anonymous browsing to user according to dossier, see col.7 lines 19-54 and col.8 lines 17-62).

the server (Central Proxy Server System) sending a message (using a substitute constructing function) having content based on the proposed communication strategy to the user communication address (user email address) (see col.9 line 50 to col.10 line 29).

Gabber does not specifically disclose the server is an Internet publisher. However, Smith in the same electronic content delivery on the World Wide Web discloses an Internet publisher (Web Publisher 64 fig.5 for control web publishing on the Internet) (see fig.5, Smith's col.4 line 63 to col.5 line 36). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Smith's Web Publisher in the computer system of Gabber to process a web publishing on the web because it would have enabled users to listen to creation events, to check items attributes specified a Web publishing and to read the needed attributes to distribute documents on the World Wide Web (see Smith's col.5 lines 12-49).

As to claim 18, Gabber discloses the method of claim 17 including the server (Central Proxy Server System) generating message content for the user based on the proposed

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communication strategy (transmitting the substitute identifiers to the server sites based on user information, see col.10 lines 23-65).

Gabber does not specifically disclose the server is an Internet publisher. However, Smith in the same electronic content delivery on the World Wide Web discloses an Internet publisher (Web Publisher 64 fig.5 for control web publishing on the Internet) (see fig.5, Smith's col.4 line 63 to col.5 line 36). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Smith's Web Publisher in the computer system of Gabber to process a web publishing on the web because it would have enabled users to listen to creation events, to check items attributes specified a Web publishing and to read the needed attributes to distribute documents on the World Wide Web (see Smith's col.5 lines 12-49).

As to claim 19, Gabber discloses the method of claim 17 wherein the message content includes email message for transmission to the user (user information including email addresses, see col.6 lines 38-67). It is inherent that the email message containing a text message.

As to claim 20, Gabber discloses the method of claim 17 wherein the server (Central Proxy Server System) storing the user communication address (user email address) includes indexing the address (each of e-mailboxes has a key being a function of the data and an index number) in a database based on the cookie, and looking up the user communication address includes locating the cookie (using the browsed servers to

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generate cookies which have a specific domain name for storing and retrieving long term session user information) in the database (convention database in the Central Proxy Server System) (tracking users' habits when they visit Web sites, see col.12 lines 19-56 and 4 lines 14 lines 26-56).

Gabber does not specifically disclose the server is an Internet publisher. However, Smith in the same electronic content delivery on the World Wide Web discloses an Internet publisher (Web Publisher 64 fig.5 for control web publishing on the Internet) (see fig.5, Smith's col.4 line 63 to col.5 line 36). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Smith's Web Publisher in the computer system of Gabber to process a web publishing on the web because it would have enabled users to listen to creation events, to check items attributes specified a Web publishing and to read the needed attributes to distribute documents on the World Wide Web (see Smith's col.5 lines 12-49).

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Merriman et al, US pat. No.5,948,061: Method for targeting the delivery of advertisements over the Internet.

b. Litvin, U.S. Pat. No.6,374,228: Method of providing rebates to consumers and use with moving objects

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c. Perkowski, US pat. No.6,625,581: Delivering consumer product related information over the Internet.

d. Bowman-Amuah, U.S. pat. No.6,697,824: Method of interacting with a user over a network.

Conclusion

8. Claims 1-20 are rejected.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (703) 308-6687. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

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A handwritten signature in black ink, appearing to read "Khanh", with a long, sweeping horizontal stroke extending to the right.

Khanh Dinh
Patent Examiner
Art Unit 2151
9/17/2004